LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 9, 2003 PLANNING COMMISSION MEETING

P.A.S.: County Special Permit #203

PROPOSAL: To allow a 420' broadcast tower for wireless facilities.

LOCATION: Southeast of the intersection North 1st Street and Ashland Road.

LAND AREA: Approximately 28.97 acres.

CONCLUSION: This request complies with the requirements of the Zoning Regulations

and the intent of the Comprehensive Plan.

RECOMMENDATION: Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Irregular Tract in the northwest quarter of the northwest quarter of Section 2, T12N, R8E, of the 6th P.M., Lancaster County, NE.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Agriculture

SURROUNDING LAND USE AND ZONING:

North: Agriculture AG
South: Agriculture AG
East: Agriculture AG
West: Agriculture AG

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The 2025 Comprehensive Plan's Land Use Plan designates agricultural land uses in this area. Page F126 - Wireless Telecommunications - The placement and construction of such facilities need to occur in a way that is compatible with the natural and built environment. Taller, more intensive facilities should be located in commercial and industrial areas. Facilities in residential areas should be unobtrusive, of a scale consistent with the neighborhood setting, and sited in a way that does not detract from the enjoyment of the neighborhood by its residents.

TOPOGRAPHY: The land is rolling farmland in this area. A drainage flowing west to east extends through this site, with the northwest corner being one of the higher points in the section.

TRAFFIC ANALYSIS: North 1st Street is a gravel road, adjacent to the west. The access easement to the tower site is off of Ashland Road, currently a dirt road.

ANALYSIS:

STANDARDS FOR EVALUATION:

Conformity with Comprehensive Plan.

1. The Comprehensive Plan designates agricultural uses in this area. This request is consistent with the type of development recommended by the Land Use Plan for rural areas.

Preference of site location in accordance with Section 10.008.

2. There are three location preferences as follows:

A. Preferred Location Sites:

- (1) Publicly owned sites on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened roof-top mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.
- (2) Privately owned sites with existing structures on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened rooftop mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.
- (3) Publicly owned sites in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

- (4) Sites in commercially or industrially zoned districts in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.
- B. Limited Preference Sites, in order of priority:
 - (1) Sites on other public property.
 - (2) Sites on other commercially or industrially zoned property.
 - (3) Screened antennas on multi-family residential structures exceeding 30' in height.
 - (4) Camouflaged structures with minimal impact on residential land uses.
- C. Sensitive Location Sites. Sites located in areas with residential uses, environmentally sensitive areas, Capitol View Corridors, the Capitol Environs District, entryway corridors, downtown, landmarks or landmark districts, properties listed or eligible to be listed on the National Register of Historic Places, the Airport Environs, and other sensitive areas. The applications for personal wireless facilities which are located at sensitive sites will be required to demonstrate a technical need to locate a personal wireless facility at a sensitive site and that other reasonable alternatives do not exist for the facility at a location which is not a sensitive site.

This application is considered a sensitive location site, as it does not meet the criteria of A or B above, and agricultural areas such as where this tower is to be located have residential uses. In sensitive location sites, the applicant is required to demonstrate what good faith efforts were taken to locate at a preferred or limited preference site, and why a preferred or limited preference site was not used if available. There are three sites in this part of northern Lancaster County that are preferred locations - an existing tower in Lancaster County, and two to the north in Saunders County. The applicant analyzed those sites, and has provided evidence that shows those sites are not feasible, even if the towers were extended to 400'.

Compatibility with abutting property and land uses.

3. This site and all surrounding lands are zoned AG and used for agricultural purposes. The tower is setback from adjacent roadways to provide separation as a buffer from surrounding uses. Except for the compound area and termination points for guy wires, the area around the tower can still be put to productive agricultural use.

Adverse impacts such as visual, environmental or noise impacts.

4. The tower is sited in the southeast corner of the tract to help minimize the visual impact of the tower from surrounding properties and roadways, and to maintain the maximum separation between the tower and surrounding residences.

Availability of suitable existing structures for antenna mounting.

5. Because this site is a Sensitive Location Site, the applicant was required to eliminate all other possibilities for collocation. The applicant provided an analysis that considered the three other towers in the area - one in Lancaster County, two in Saunders County. Even extended to 400', none of these towers would provide adequate coverage for the carrier. There are no other potentially suitable structures in this area.

Scale of facility in relation to surrounding land uses.

6. Compatibility of scale is partially provided by the amount of separation between the proposed tower and surrounding uses, and acts as a mitigating factor in the siting of the tower.

Impact on views/vistas and impact on landmark structures/districts, historically significant structures/districts, architecturally significant structures, landmark vistas or scenery and view corridors from visually obtrusive antennas and back-up equipment.

7. There is no significant impact noted.

Color and finish.

8. There are two color and finish options for towers in excess of 200' in height per Federal Aviation Administration (FAA) regulations. They can either have a galvanized finish, or be painted international orange and white. Towers painted orange and white are allowed to have red lights, night and day. Galvanized towers are required to have white lights during the day, but can have red lights at night. Color and lighting is a tradeoff - the orange and white towers are more visible and less transparent than a galvanized finish during the day, however the white light is more noticeable than the red. This tower is shown to have a galvanized finish, which will require white lights during the day, and red lights at night.

Ability to collocate.

9. The applicant states that this tower is designed to accommodate a minimum of four additional carriers, two more than required by the Zoning Regulations.

Screening potential of existing vegetation, structures and topographic features, and screening potential of proposed facilities, ground level equipment, buildings and tower base.

10. The applicant is showing 26 trees planted around the compound near the base of the tower. This provides in excess of a 70% screen, where more than half the trees will grow to a mature height of 35' or more.

Evidence of good faith efforts, and demonstration that a preferred or limited preference site was not technically, legally, or economically feasible.

11. With the exception of the three towers in the area that were not suitable for collocation, there are no other preferred or limited preference sites in the area. As noted previously, the applicant evaluated the existing towers and eliminated them from consideration.

CONDITIONS:

Site Specific:

- 1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the County Board's agenda:
 - 1.1 Revise the site plan to show:
 - 1.1.1 The height of the tower as 420'.
 - 1.1.2 A lighting plan that restricts the use of white lights to daytime hours and requires the use of red lights during nighttime hours as allowed by FAA regulations.
- 2. This approval permits a 420' broadcast tower capable of accommodating at least four additional carriers consistent with the site plan submitted.

General:

3. Before receiving building permits:

- 3.1 The permittee shall have submitted 5 copies of the final plans and the plans are acceptable.
- 3.2 The construction plans shall comply with the approved plans.

Standard:

- 4. The following conditions are applicable to all requests:
 - 4.1 Before use of the facility all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the County Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will, AICP Planner June 25, 2003

APPLICANT: Shaun Hempstead

Nextel

6750 Westown Parkway #115 West Des Moines, IA 50266

OWNER: Eugene Styskal and the Estate of Joleen Styskal

RR#2, Box 110

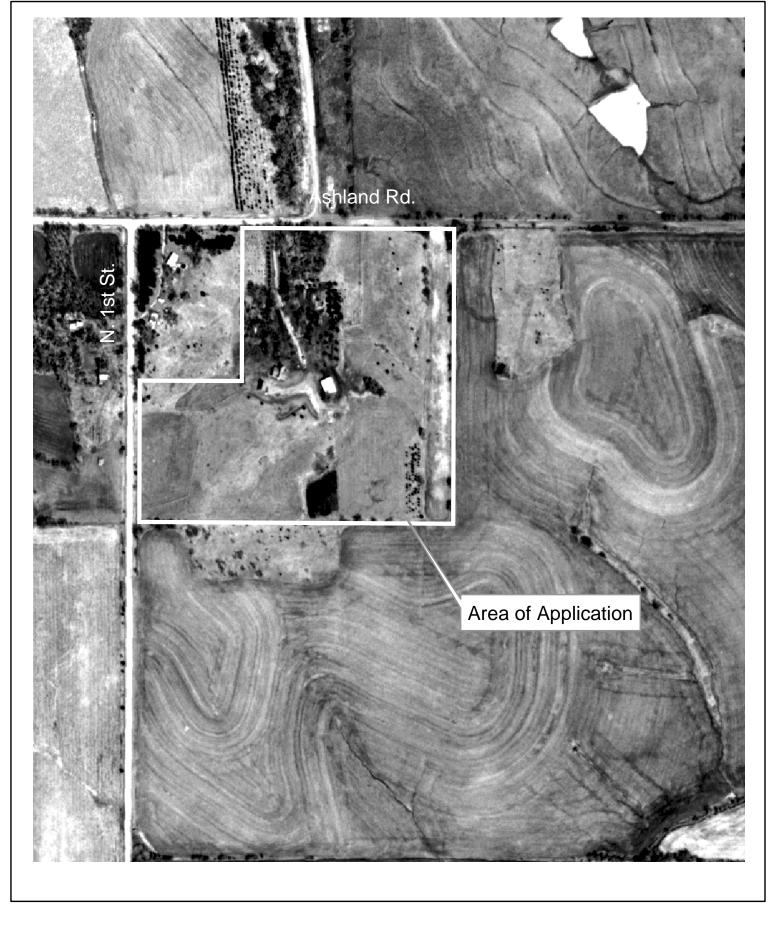
Ceresco, NE 68017

CONTACT: Paul Rinehart

Nextel

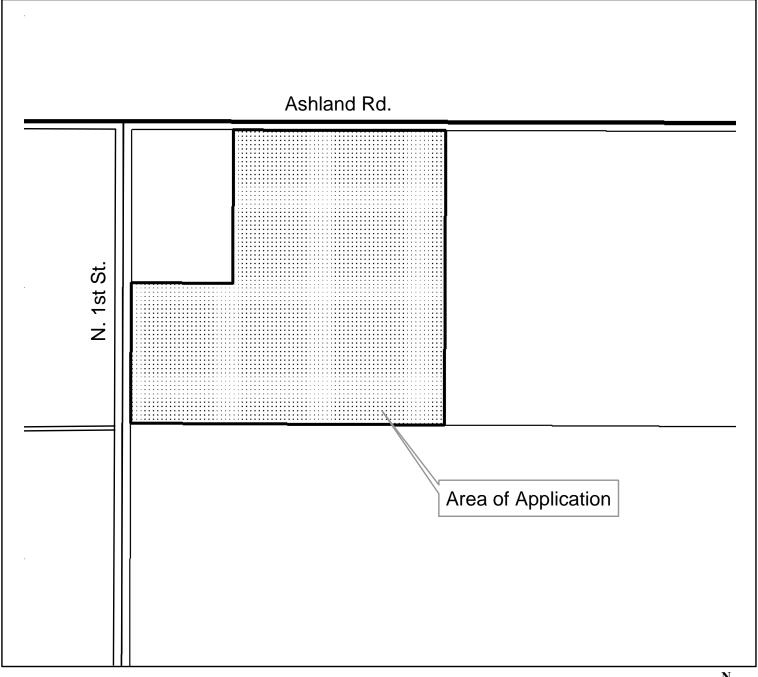
6750 Westown Parkway #115 West Des Moines, IA 50266

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County Special Permit #203 N. 1st and Ashland Rd.





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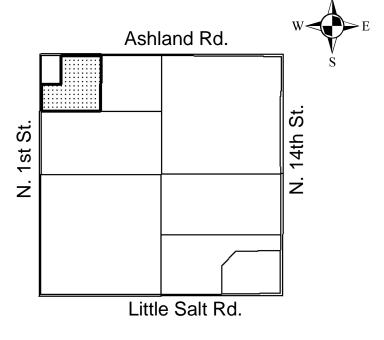
Zoning:

One Square Mile Sec. 2 T12N R6E R-1 to R-8Residential District AG Agricultural District AGR Agricultural Residential District R-C Residential Convervation District

0-1 Office District Suburban Office District 0-2 0-3 Office Park District Residential Transition District Local Business District Planned Neighborhood Business District B-2 B-3 Commercial District Lincoln Center Business District B-4 B-5 Planned Regional Business District Interstate Commercial District H-1 Highway Business District H-2 Highway Commercial District H-3 H-4 General Commercial District Industrial District **I-2** Industrial Park District **Employment Center District**

Zoning Jurisdiction Lines

City Limit Jurisdiction



Public Use District



June 10, 2003

Lancaster Planning Dept. 555 South 10th street, Suite 213 Lincoln, NE 68508

RE: Application for zoning for 400' Tower

On Styskal Property in Lancaster County

To Whom It May Concern:

There are no preferred locations for which Nextel Partners could co-locate on that would meet the requirements of this site. This site is to provide connecting coverage from Wahoo to the existing sites on the north site of Lincoln, provide continuous coverage along I-77, and provide coverage to our customers in northern Lancaster County.

Attached are presentations that demonstrate how each existing tower could not meet the objectives of the site. One tower is located outside of Davey, NE in Lancaster County and there are two others which are located in Saunders County along Highway 77. Please also note that Western Wireless, who is the owner of the 220' tower in Saunders County, has placed a hold on all co-locations on all their towers for up to one year. Nextel Partners was informed of this by e-mail on May 23, 2003.

If you have any questions about any of this information, please contact Paul Reinhardt at (515) 202-4368.

Sincerely,

Shaun Hemsted Project Manager

Summary of Three Existing Towers

Western Wireless -

The tower is a 220' guy tower. If tower was extended to 400', Nextel Partners would not provide coverage to its customers to meet the objectives of the site. The three items of concern are NW Saunders County, West Lancaster County, and connecting coverage to North Lincoln, NE. Western Wireless sent by e-mail notice to Nextel Partners that all co-locations were on hold for up to twelve (12) months while they were analyzing their future needs. Please note that if this site could have worked it would have required a tower replacement and permission from Western Wireless.

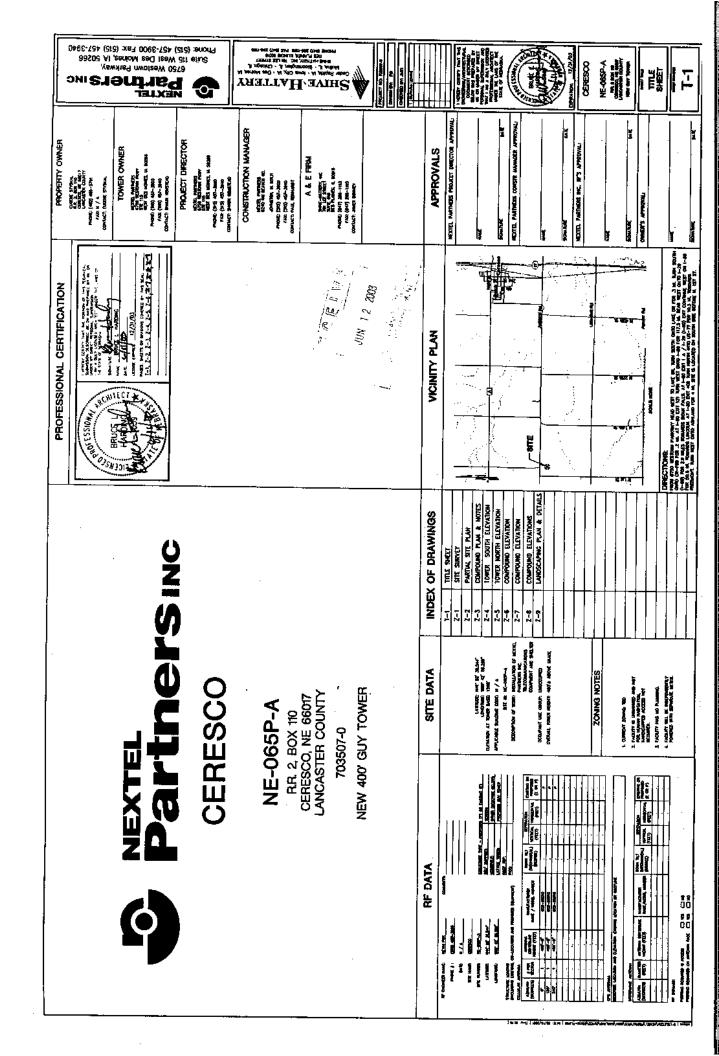
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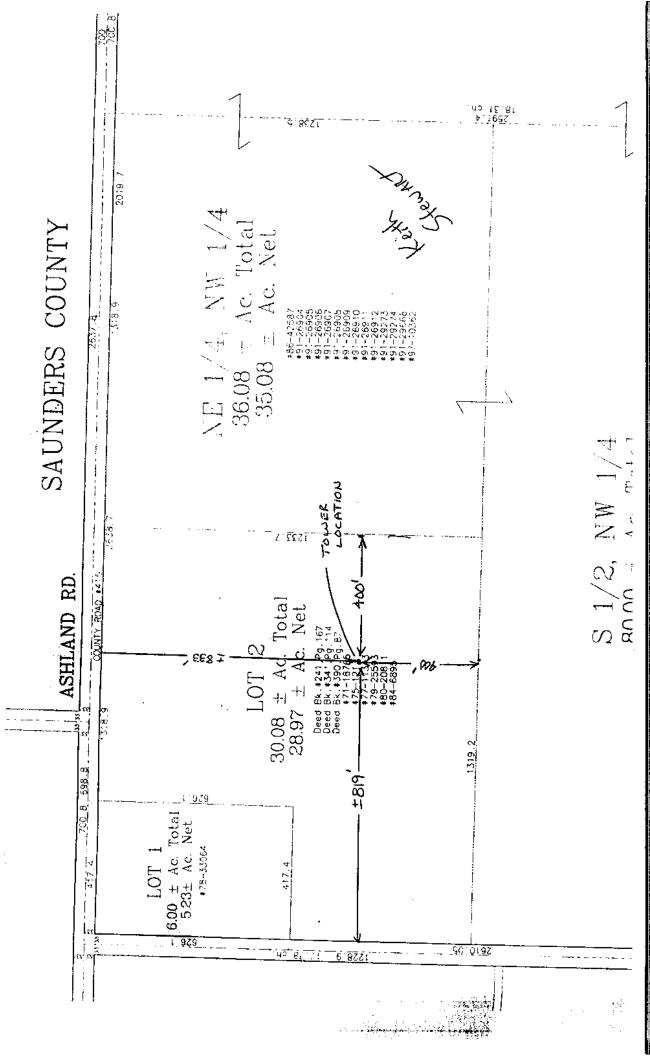
The tower is a 180' mono-pole. It could not be extended to 400' or replaced in its current location as the compound is very small. If this site could be extended, it would not meet the objectives of this site. The three items of concern are NW Saunders County, West Lancaster County, and connecting coverage to North Lincoln, NE.

3 Eagle —

The tower is a 218' guy tower. This tower will not meet the objectives of the site. It would not provide connecting coverage along I-77 to the north to Wahoo, NE.

On all three existing towers a propagation map is included with the areas not meeting the objective of the site circled in black.





NEBRASKA STATE PLANE COORDINATE SYSTEM NAD 83. BASIS OF BEARING

ASHLAND ROAD

POINT OF BEGINNING (© 20' ACCESS ESMT)

8. 51

NB8'01'39"E

-S03'00'5| "E 109.34

COMMENCEMENT
COMMENCEMENT
(20' ACCESS ESM)
& LEASE AREA)
NORTHWEST CORNER.
SECTION 2-12-0

PARENT TRACT:

LOT 2, IRREGULAR TRACTS IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 12 NORTH, RANGE B EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.

LEASE AREA TRACT:

THE UNDERGROUND UTLITIES SHOWN HAVE BEELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO CLARANTEE THAT THE UNDERGROUND UTLITIES SHOWN COMPRISE ALL SUCH UTLITIES SHOWN COMPRISE ALL SUCH UTLITIES SHOWN COMPRISE ALL SUCH UTLITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIEY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTLITIES.

S01'58'21"E

-S05'07'15"E 163.18

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 12 NORTH, RANGE 6 EAST, CERESCO, LANCASTER COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 2; THENCE NBB01'39"E ON THE NORTH LINE OF SAID SECTION 2 A DISTANCE OF 861.35 FEET; THENCE SOT'88'21"E A DISTANCE OF 883.59 FEET TO THE POINT OF BECONNING OF SAID TRACT OF LAND; THENCE ST722'44"E A DISTANCE OF 193.49 FEET; THENCE NYZOT'16"E A DISTANCE OF 40.00 FEET; THENCE ST752'44"E A DISTANCE OF 40.00 FEET; THENCE ST752'44"E A DISTANCE OF 67.32 FEET; THENCE ST752'44"E A DISTANCE OF 197.49 FEET; THENCE ST752'44"W A DISTANCE OF 197.49 FEET; THENCE ST752'44"W A DISTANCE OF 100.00 FEET; THENCE ST752'44"W A DISTANCE OF 100.00 FEET; THENCE NYTSZ'44"W A DISTANCE OF 100.00 FEET; THENCE NATSZ'44"W A DISTANCE OF 20.00 FEET THENCE NATSZ'44"W A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING. CONTAINS 21,648 SQUARE FEET OR 0.50 ACRES, MORE OR

583.59

-S1919'33'E 33.82

-S12.37.51 TE 70.97

POINT OF BEGINNING (LEASE AREA)

ACCESS EASEMENT TRACE

IND OF DESCRIPTION.

A 20 FOOT WIDE STRIP OF LAND IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 12 NORTH, RANGE 6 EAST, CERESCO, LANCASTER COUNTY, NEBRASKA, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 2: THENCE NABOL'39TE ON THE NORTH LINE OF SAID SECTION A DISTANCE OF SB7.42 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF SAID SECTION A DISTANCE OF 109.34 FEET; THENCE SOJO'51TE A DISTANCE OF 109.34 FEET; THENCE SOJO'71STE A DISTANCE OF 153.18 FEET; THENCE S12'30'51TE A DISTANCE OF 70.87 FEET; THENCE S12'30'51TE A DISTANCE OF 33.28 FEET; THENCE S26'27'50'TE A DISTANCE OF 33.28 FEET; THENCE S26'27'50'TE A DISTANCE OF 33.28 FEET; THENCE S12'80'STE A DISTANCE OF 33.28 FEET; THENCE S12'80'STE A DISTANCE OF 33.28 FEET; THENCE S12'80'STE A DISTANCE OF 33.28 FEET; THENCE NBST'STE A DISTANCE OF 33.28 FEET; THENCE DISTA

99.66

N720716 E N1752'4"W

N8816'31 36.04

S7358'08"E

S48'46'53'E-

S26"27"57"E-152.57

536'39'29"E-55.63

a Si O Si

S77.32'44"E -S1752.44"E

/N720716 E

N17-52'44"W 9.59 572.07'16"W 100.00

397.51

NOT TO SCALE

NE-065P-A

CERESCO CERESCO

SURVEY

DAWD J. SCHAFFER NEBRASKA LS-582

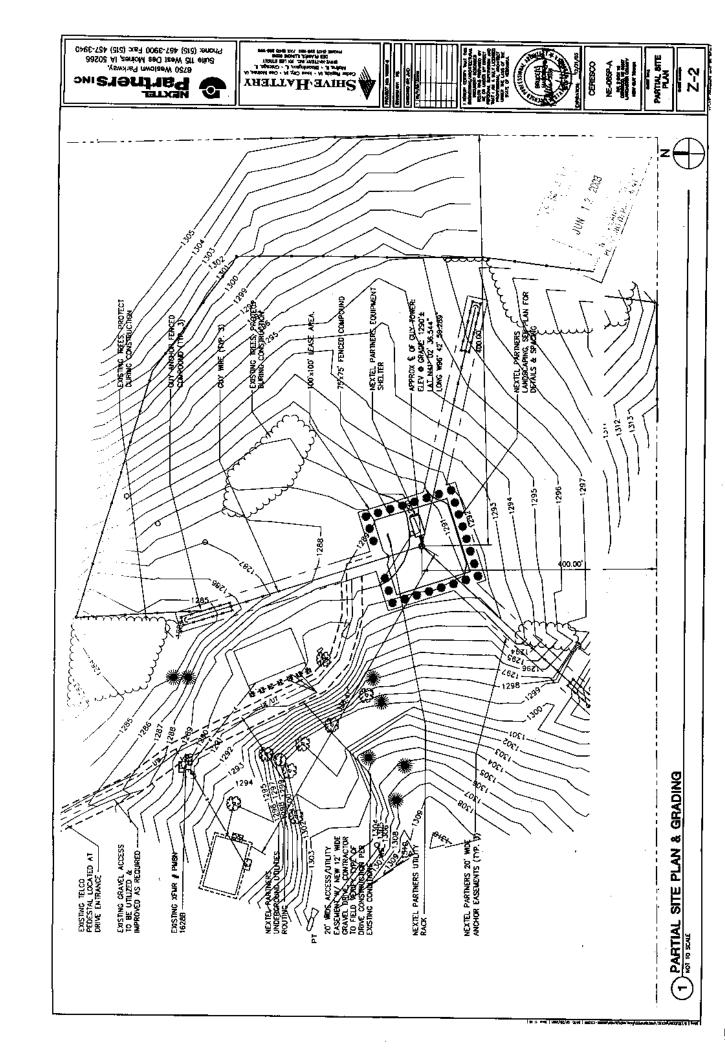
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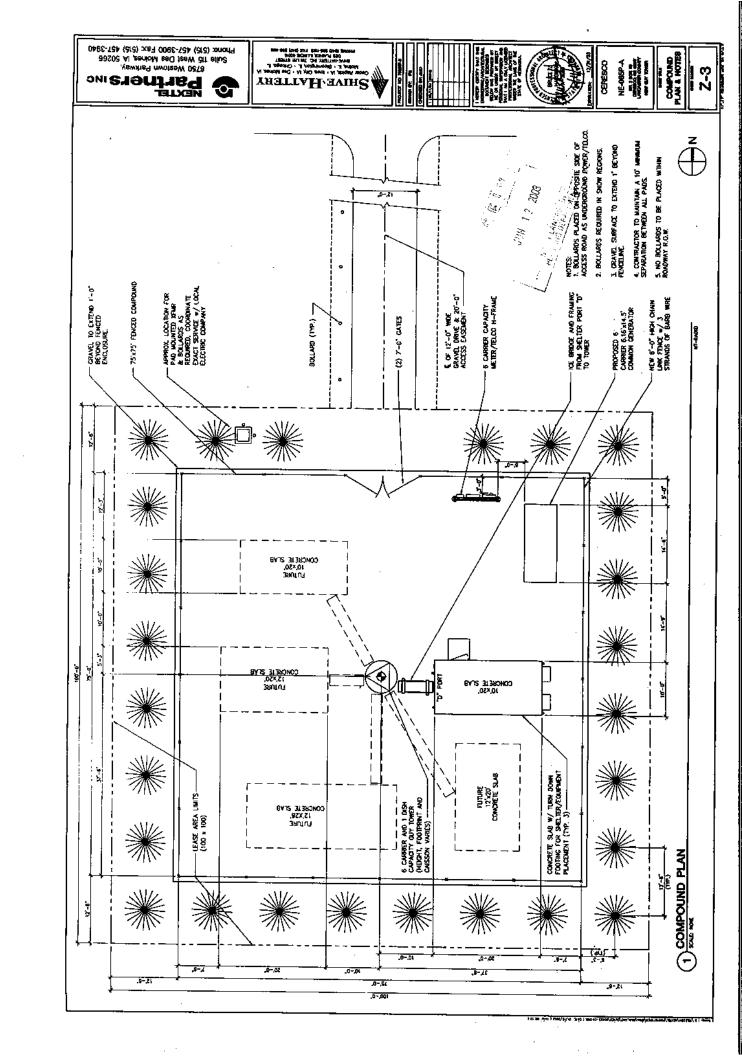
SHIVE HATTERY

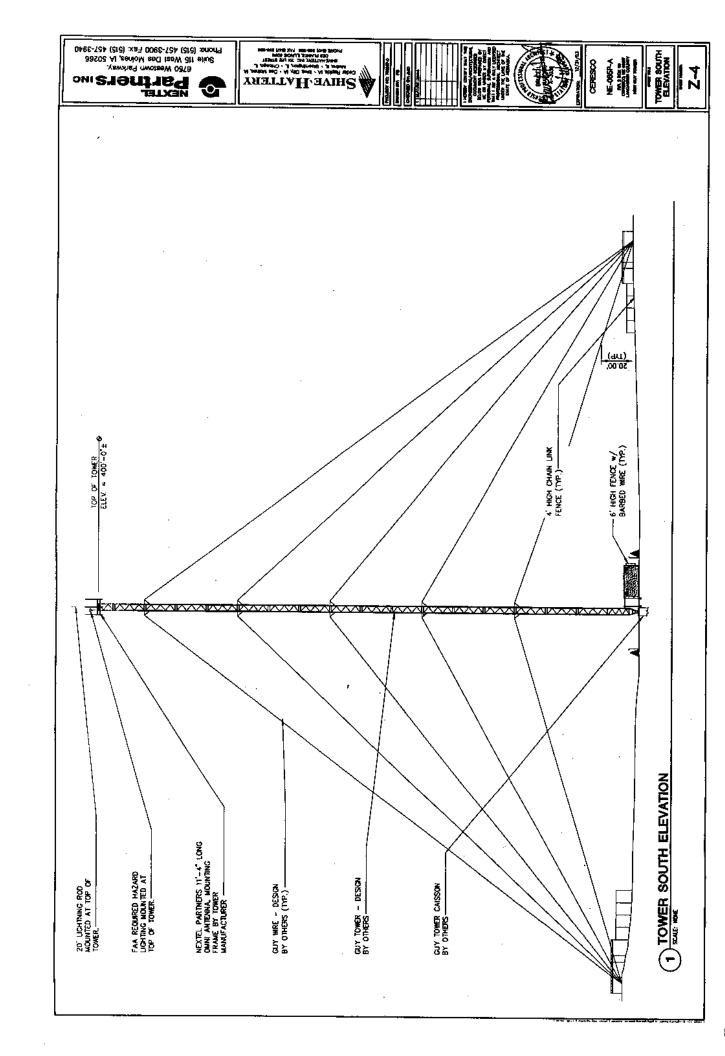
Partners (515) 457–3900 Fox: (515) Phone: (515) 457–3900 Fox: (515) 457–3900 Fox: (515)

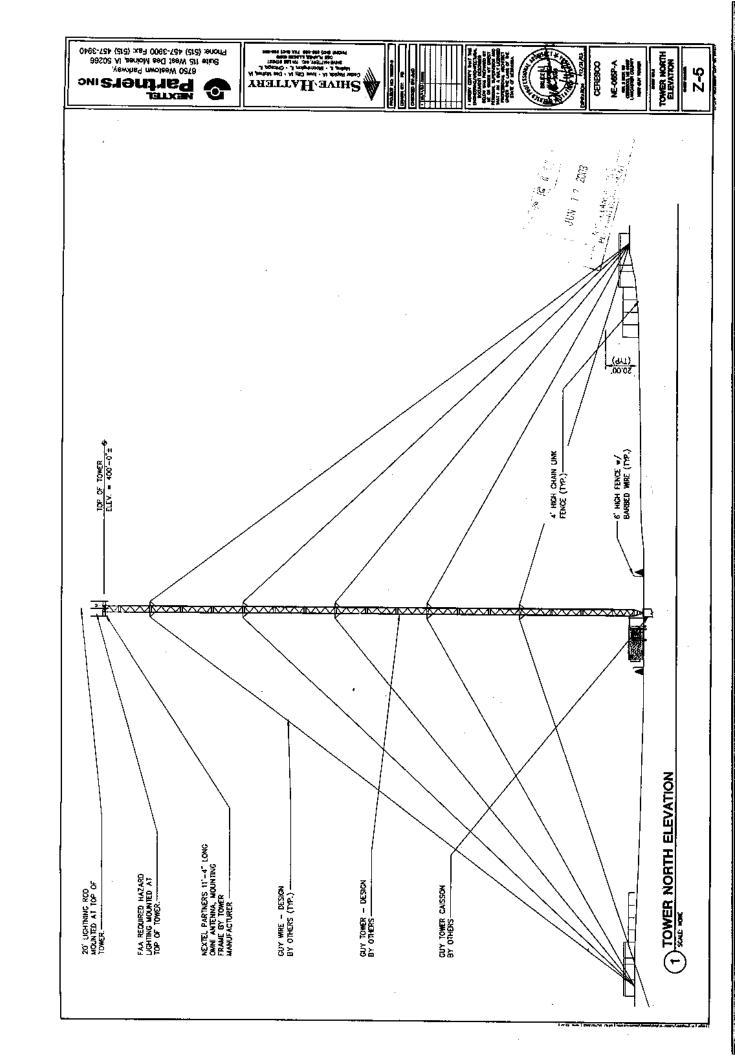
SITE

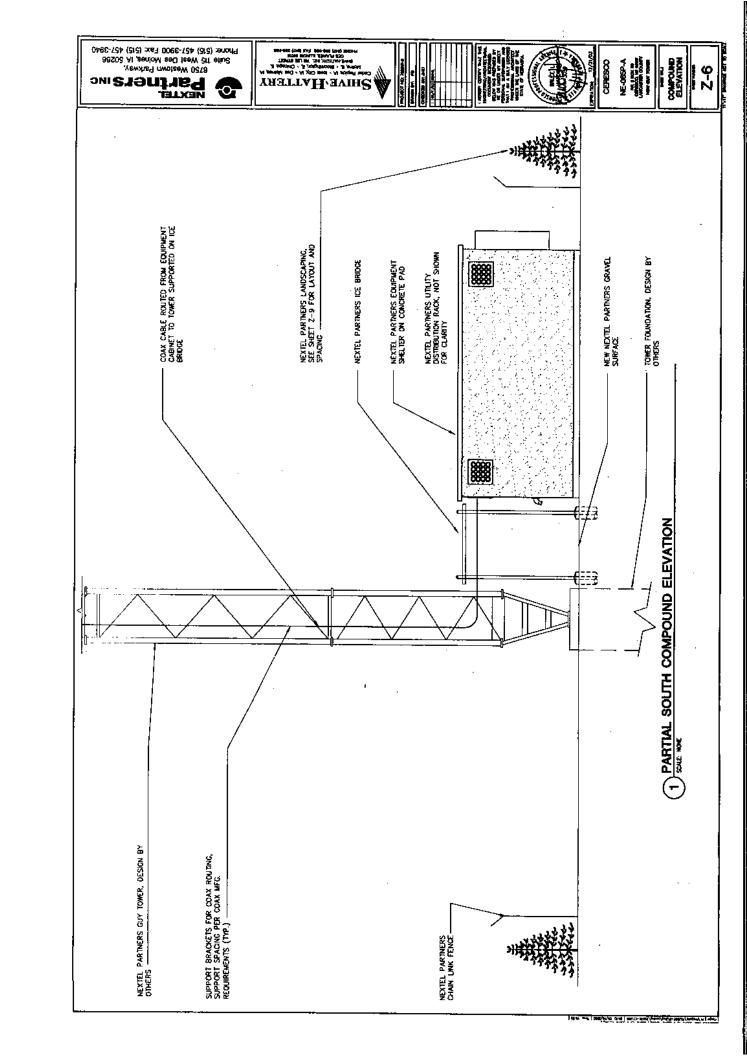
CERESCO

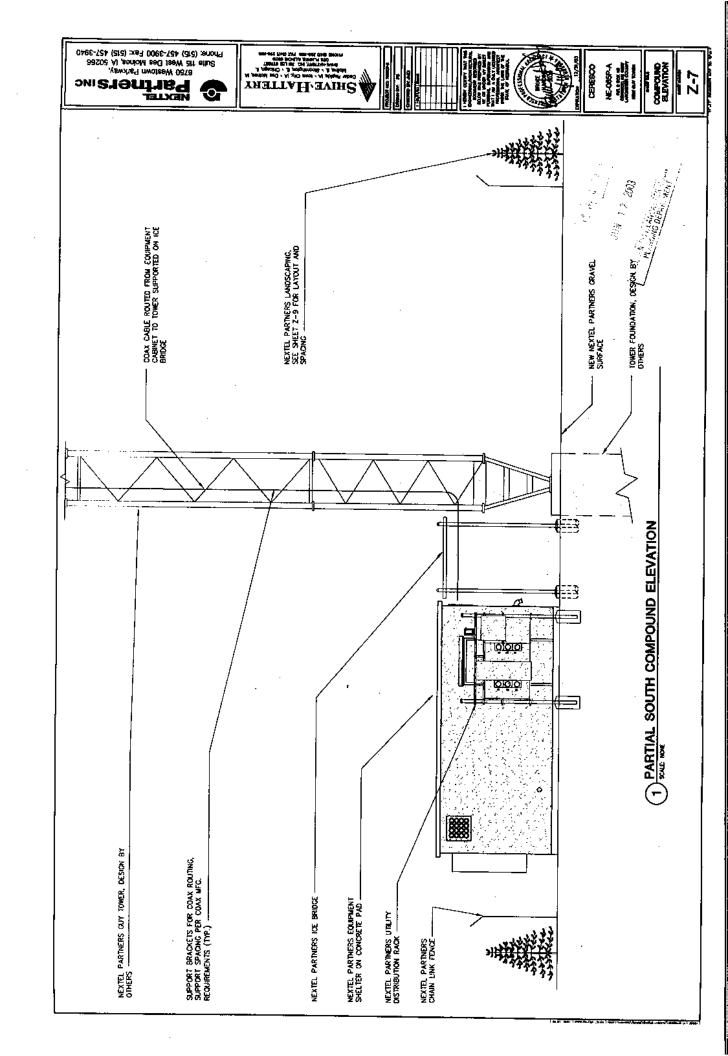


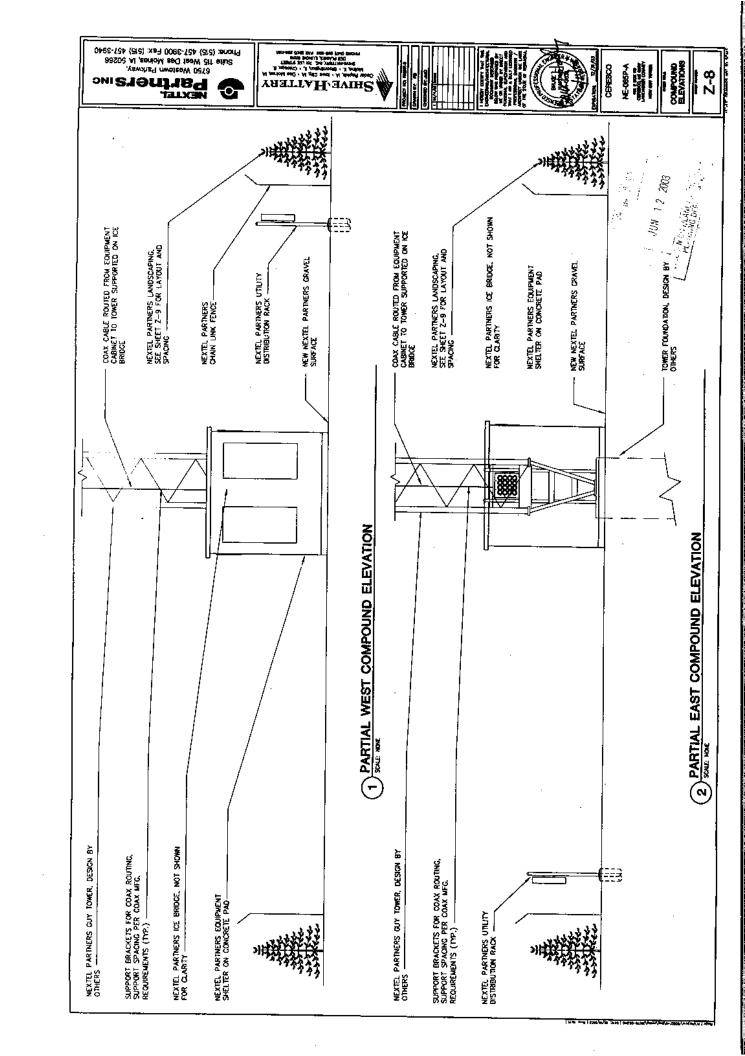


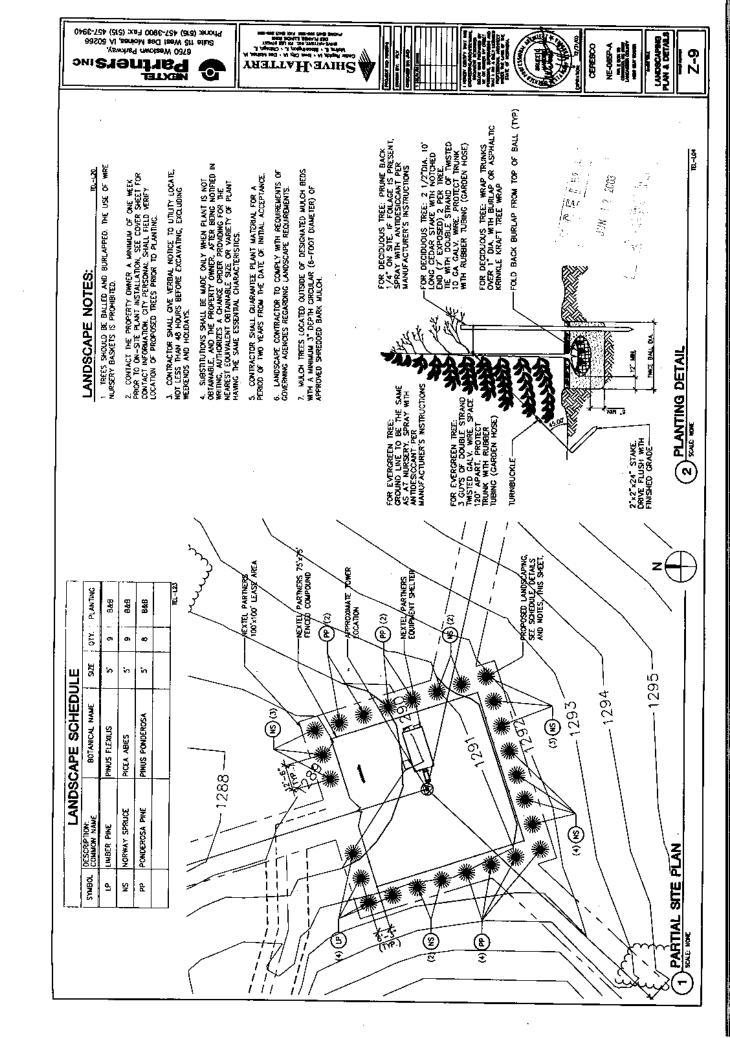












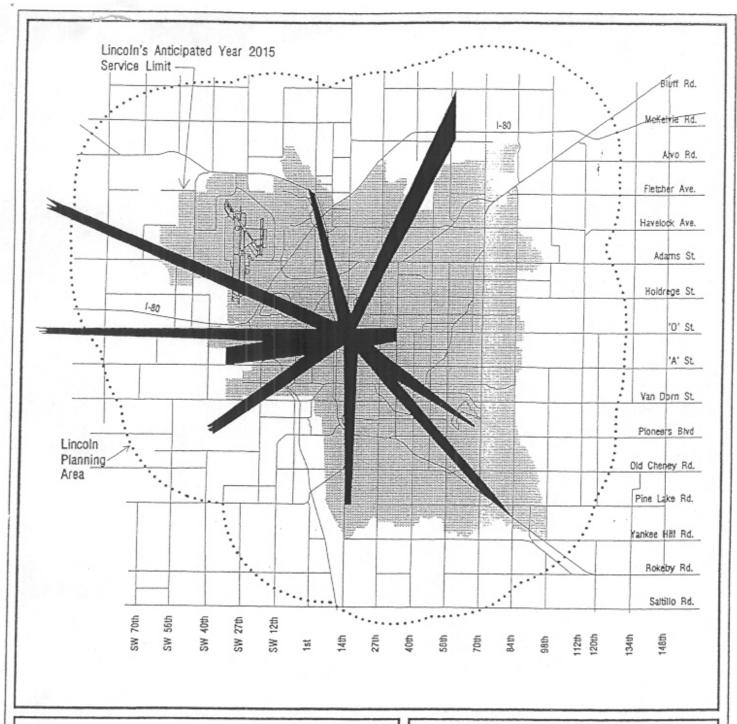


Figure 62

Capitol View Corridors:

City Perspective



Lincoln City/Lancaster County Comprehensive Plan

